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REMARKS

The undersigned wishes to extend appreciation to Examiner Tawfik for the courtesies of a telephonic interview in June of 2005. The substance of that telephonic interview is hereby confirmed and expanded upon.

In particular, the assignee's prior patent breaks the tie strips by moving a vacuum table faster than the web moves in a first portion of the path (which effectively pulls on the web). Claim 1 of the present application recites that the tie strips are broken by pushing on the web of film at the trailing edge, which is not disclosed or suggested in the assignee's prior patent. Thus, the claims of the present application are not drawn to identical subject matter and the double patenting rejection has been overcome. In the telephonic interview, Examiner Tawfik indicated that it would appear that the double patenting rejection had been overcome, but that further consideration would have to be given.

With respect to the restriction requirement, the undersigned did not understand the basis for the restriction. In particular, the Examiner indicated the process could be produced "by different apparatus such as one with first and second pairs of pinch rollers to permit the film passing in between". It is respectfully requested that the Examiner identify the apparatus he is referring to. It appears to the undersigned that the apparatus being referred to is the same (and not different) than the preferred apparatus. Towards that end, claim 20 has been added directed to the pinch rollers of claim 2. Thus, the apparatus and method claims both recite the pairs of pinch rollers. Thus, searching of either the method and apparatus claims requires searching in the same areas.

The arguments and other bases for traversal set forth in the RESPONSE filed April 14, 2005 are hereby incorporated herein by reference. Thus, it is respectfully submitted that the restriction requirement has been overcome for numerous, independent reasons.

The Examiner has indicated consideration of the United States and foreign patents cited by applicants. By the lack of application of these references and others like them within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicants' apparatus and methods for producing shrink wrap packaging which are neither shown, described, taught, nor alluded to in any of the

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references cited by the applicants, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 1-20, as amended, of the present application and to pass this application to issue.

Respectfully submitted,

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By: 

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